

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**E.I. DU PONT DE NEMOURS AND
COMPANY,**

Plaintiff,

V.

**DAK AMERICAS LLC and DAK
FIBERS LLC,**

Defendants.

§ 87(2)(b)

C.A.No. 05-71-KAJ

NON-ARBITRATION

**DEFENDANTS DAK AMERICAS LLC'S AND DAK FIBERS LLC'S
MOTION TO DISMISS AND TO STAY**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Pursuant to Federal Rules of Civil Procedure 9(b), 12(a), and 12(b)(6), defendants DAK Americas LLC and DAK Fibers LLC (collectively “DAK”) respectfully file this motion to dismiss with prejudice plaintiff E.I. du Pont de Nemours’ complaint and stay the deadline to file an answer pending a ruling on the motion to dismiss. The grounds for this motion are fully stated in the accompanying brief in support thereof, which is incorporated herein by reference. DAK requests oral argument in accordance with Rule 7.1.4 of the Local Rules of the District of Delaware.

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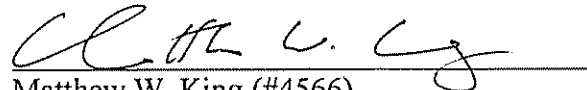
(302) 651-7700

ATTORNEYS FOR DEFENDANTS DAK
AMERICAS LLC AND DAK FIBERS LLC

Dated: March 4, 2005

CERTIFICATE OF CONFERENCE

I hereby certify that on this 4th day of March 2005, the undersigned counsel for DAK Americas LLC and DAK Fibers LLC has asked counsel for the Plaintiff whether Plaintiff would consent to the relief requested in this Motion, and counsel for Plaintiff has not yet responded to this request. Accordingly, this Motion is submitted to the Court for decision.

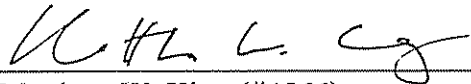

Matthew W. King (#4566)

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March 2005, I electronically filed and hand delivered the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

VIA HAND DELIVERY

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